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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of )

Cellular Service and Other Commercial )

Mobile Radio Services in the Gulf of Mexico )

Amendment of Part 22 of the Commission's )

Rules to Provide for Filing and Processing )

of Applications for Unserved Areas in the )

Cellular Service and to Modify Other Cellular )

Rules )

WT Docket No. 97-112

CC Docket No. 90-6

**REPLY COMMENTS OF MOBILETEL, INC.**

MobileTel, Inc. ("MobileTel"), by its attorneys, hereby submits its reply to the comments filed in the above-captioned proceeding.<sup>1/</sup>

Like MobileTel, most of the commenters in this proceeding support the Commission's efforts to ensure reliable cellular coverage in the coastal areas of the Gulf of Mexico and reduce conflict between water-based and land-based carriers.<sup>2</sup> In sharp contrast, the two current Gulf of Mexico Service Area ("GMSA") licensees, Bachow/Coastel, L.L.C. ("Coastel") and Petroleum

<sup>1/</sup> In the Matter of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico; Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, WT Docket No. 97-112, CC Docket No. 90-6, Second Further Notice of Proposed Rulemaking, FCC 97-110 (rel. April 16, 1997) ("Notice").

<sup>2</sup> See Comments of ALLTEL Mobile Communications, Inc. at 2 (agreeing that given the volume of coastal traffic, the public interest and safety require that continuous and reliable service be provided in coastal areas). See also Comments of the American Petroleum Institute at 5; Comments of Bell South Corporation at 4; Comments of GTE Service Corporation at 2; Comments of Palmer Wireless, Inc. at 2; Comments of Radiofone, Inc. at 2; Comments of Southwestern Bell Mobile Systems, Inc. at 2; Comments of 360° Communications Company at 1; Comments of United States Cellular Corporation at 2.

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Communications, Inc. (“PetroCom”) ask the Commission to disregard the public interest in order to provide the GMSA licensees with maximum flexibility and minimum responsibility.<sup>3</sup>

PetroCom and Coastel claim that they are entitled to provide service to the entire Gulf of Mexico,<sup>4</sup> and should be allowed to freely abandon service to coastal areas while retaining the right to later oust carriers who have provided coverage in their absence.<sup>5</sup> While the GMSA licensees argue that the United States Court of Appeals for the D.C. Circuit’s decision in Petroleum Communications, Inc. v. Federal Communications Commission requires such a result, nothing in the court’s opinion indicates that the Commission must accommodate the needs of the GMSA licensees at the expense of other cellular carriers, cellular customers, and the public at large.<sup>6</sup>

The court’s concern was that the Commission had not considered the unique circumstances surrounding provision of cellular service in the Gulf of Mexico. By creating an Exclusive Zone within which GMSA licensees may freely relocate their facilities, the Commission has provided the GMSA licensees with the flexibility they require to provide

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<sup>3</sup> Both PetroCom and Coastel also ask the Commission to adopt new rules governing interconnection between the GMSA licensees and landline telephone companies in the markets adjacent to the Gulf. Comments of Bachow/Coastel, L.L.C. (“Coastel Comments”) at 30; Comments of Petroleum Communications, Inc. (“PetroCom Comments”) at 19. Such requests are not within the scope of the current proceeding and should not be addressed by the Commission at this time.

<sup>4</sup> Coastel Comments at 26 n. 69 (“Coastel’s CGSA is the entire Gulf”); PetroCom Comments at 7-8 (arguing that PetroCom’s CGSA should include “those portions of the Western Coastal Zone and Exclusive Zone covered by its composite SABs” and, after an exclusive 3-year build-out period, those portions of the Eastern Coastal Zone covered by its SABs as well).

<sup>5</sup> See Coastel Comments at 14, 19-24; PetroCom Comments at 8-9.

<sup>6</sup> Petroleum Communications, Inc. v. Federal Communications Commission, 22 F.3d 1164 (D.C. Cir. 1994).

service to the oil and gas company platforms that are their primary customers. The Commission correctly found, however, that the GMSA licensees' reliance on oil platforms to place their facilities prevents these carriers from providing reliable service to the coastal areas.<sup>7</sup>

The solution to the lack of reliable cellular service in the coastal areas is not to permit the GMSA licensees to place their transmitters on land without the consent of the land-based licensee.<sup>8</sup> Most commenters share MobileTel's concerns that permitting water-based carriers to place their cell sites on land would cause unavoidable interference with the cellular systems of existing land-based carriers with service areas that border the Gulf of Mexico.<sup>9</sup> Even Coastel acknowledges "the likelihood that any such land-based transmitter would cause interference problems for the land-based carrier's own service along the coast."<sup>10</sup>

As MobileTel and several other commenters established in their initial comments, the most effective way to ensure reliable cellular coverage to the coastal areas of the Gulf is to allow existing land-based carriers to provide service to any unserved areas.<sup>11</sup> Several commenters

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<sup>7</sup> See Notice at ¶ 31; ¶ 44. See also Coastel Comments at 37 (admitting that "Gulf-based carriers are at the mercy of existing platforms at any given point in time," which makes it "extraordinarily difficult to find water-based locations for their cellular transmitting equipment").

<sup>8</sup> See Coastel Comments at 24-28; PetroCom Comments at 11-13.

<sup>9</sup> See Comments of AT&T Wireless, Inc. at 6-9; Comments of BellSouth Corporation at 12-13; Comments of Palmer Wireless, Inc. at 12; Comments of Radiofone, Inc. at 7; Comments of Southwestern Bell Mobile Systems, Inc. at 5-7; Comments of 360° Communications Company at 8-10; and Comments of Vanguard Cellular Systems, Inc. at 6-7.

<sup>10</sup> Coastel Comments at 27.

<sup>11</sup> See Comments of 360° Communications Company at 6 (noting that "land based carriers will be the ones able to serve the coastal Gulf area most efficiently and effectively"); Comments of ALLTEL Mobile Communications, Inc. at 2-3 (stating that coverage in certain coastal areas may "be best and most efficiently achieved by land-based carriers"); Comments of Vanguard Cellular Systems, Inc. at 4 n. 8 and 7-8 (observing that current land based licensees may be best situated to efficiently serve coastal waters); and Comments of Southwestern Bell Mobile

stated that they could easily provide service to coastal waters if not for regulatory uncertainty regarding their rights to extend into the Gulf and the opposition of the GMSA licensees to such extensions.<sup>12</sup> To ensure that no areas are left unserved, the Commission could open a short filing window during which coastal land-based carriers could apply for authority to extend their Service Area Boundaries to the 12-mile limit. If a land-based carrier determines that it is technically or economically infeasible to extend service to all such coastal areas, and declines to apply for authorization, any unserved areas could be licensed according to the Commission's regular unserved area licensing rules.

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Systems, Inc. at 7-10 (arguing that land-based carriers should be allowed to apply to serve unserved coastal waters under the Phase I rules).

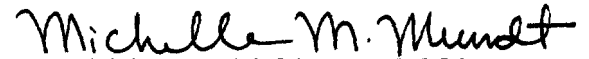
<sup>12</sup> See Comments of 360° Communications Company at 3-5; Comments of BellSouth Corporation at 3; Comments of Southwestern Bell Mobile Systems, Inc. at 3-4. See also Comments of the Texas RSA 20B2 Limited Partnership at 8-9 (stating that the Commission should open one-day filing window to permit system modifications that do not require construction of new facilities).

## CONCLUSION

As set forth above and in MobileTel's initial comments, the Commission should grant existing land-based carriers with service areas that border the Gulf of Mexico an opportunity to provide coverage to any unserved coastal areas. If any coastal areas remain unserved, the Commission could license these areas under its regular unserved area rules. Under no circumstances, however, should the Commission allow Gulf-based licensees to establish land-based transmitters without the consent of the land-based carrier.

Respectfully submitted,

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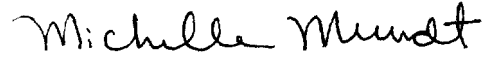
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August 4, 1997

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**CERTIFICATE OF SERVICE**

I, Michelle Mundt, hereby certify that on this 4th day of August 1997, I caused copies of the foregoing Reply Comments to be sent to the following by hand delivery:

  
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